IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 4029 of 2002

Between:

S. Satyanarayana , S/o S.Rajamallayya,
R/o H.No. 8-3-87/1, Shanthinagar,
Karimnagar District.

..... PETITIONER

AND

1 The District Level Committee, Rep. by its Chairperson,
Karimnagar,
2 The District Panchayat Officer,
Karimnagar District.
3 The Revenue Divisional Officer,
Paddapally, Karimnagar District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue an order or writ one in the nature of writ of Certiorari calling for the records in memo. No. c/2599/2001 dt. 20.02.2002, of the Respondent NO. 3 and quash the same as arbitrary, illegal, violative of principles of natural justice and contrary to rules and pass such other or orders as this Hon'ble Court may deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:SMT.N.SHOBA

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

This writ petition is filed questioning the action of the third respondent in canceling the auction held on 14-2-2002 and proposing to hold the same on 5-3-2002 vide proceedings No.C/2599/2001 dated
20-2-2002, as illegal and arbitrary.

The learned counsel for petitioner submitted that petitioner has submitted his tender for Potyala sand reach and deposited an amount of Rs.1,00,000/- on 12-2-2002 to participate in the auction, and the petitioner stood as higher bidder in the auction held on 14-2-2002. Thereupon, the petitioner claims to have made several requests to issue confirmation order in respect of Potyala sand reach, but that no action was taken thereon, and surprisingly, the third respondent issued impugned proceedings dated 20-2-2002, canceling the auction held on 14-2-2002 without assigning any reasons and proposing to hold fresh auction on 5-3-2002. He submitted that only the District Level committee has got powers to cancel the auctions, and the impugned proceedings issued by the third respondent-Revenue Divisional Officer, canceling the auction, is without jurisdiction, and therefore, illegal.

A counter affidavit filed on behalf of the second respondent District Panchayat Officer stating that in all nine persons participated in the auction held on 14-2-2002, and they formed into a syndicate and ensured that the highest bid was made at Rs.1,89,000/-, which is only Rs.9000/- higher than the up-set price fixed. He further stated that several complaints were received stating that the participating bidders had formed into a syndicate, and as such, the third respondent, who is the Auctioning Authority, has rejected all the tenders and postponed the auction to 5-3-2002. It is also stated that the petitioner has deposited an amount of Rs.1,00,000/- by way of Demand Draft bearing No. 404337 dated 12-2-2002, and the said demand draft was not en-cashed and the same is lying in the Office of the District Panchayat Officer, and the petitioner is at liberty to collect the same. It is further stated that a fax message dated 5-3-2002 was received from the counsel for the petitioner stating that

the auction of the sand quarry at Potyal reach was stayed by this Court vide orders in W.P.M.P. No. 5000 of 2002 in W.P. No. 4029 of 2002 dated 5-3-2002, and as such, the auction could not be conducted on the said date. It is stated that later on, they had contacted the Office of the Advocate General and they were informed that this Court had directed the respondents to proceed with the conducting of auction, but the auction shall not be finalized until further orders of this Court.

The learned counsel for the petitioner submitted that now the respondents having reconsidered the matter, have taken a decision to conduct sand quarry auction of Potyal reach, and prayed that necessary directions be given to the respondents to conduct the auction. If that be so, I deem it appropriate to dispose of the writ petition with the following directions:

The respondents shall conduct sand quarry auction at Potyal reach in accordance with law, as expeditiously as possible, if they had taken any such decision. The petitioner is at liberty to participate in the said auction, if it is so conducted. If the petitioner has not taken back the Demand Draft of Rs.1,00,000/- submitted by him at the time of participating in the auction, the same may be returned to him.

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N.V.RAMANA,J

30-6-2005

TVK

To

1 The Chairperson, District Level Committee,
Karimnagar,
2 The District Panchayat Officer,
Karimnagar District.
3 The Revenue Divisional Officer,
Paddapally, Karimnagar District.

4) 2 CD copies

5) 2 CCs to Government Pleader for Panchayat Raj & Rural Development, High Court of A.P. Buildings, Hyderabad (OUT)

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